

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHELE COLELLA and DENISE DUSSAULT,

*Plaintiffs,*

v.

THE REPUBLIC OF ARGENTINA,

*Defendant.*

04-cv-2710 (LAP)  
("Colella")

MARCELO RUBEN RIGUIERO, et al.,

*Plaintiffs,*

v.

THE REPUBLIC OF ARGENTINA,

*Defendant.*

05-cv-3089 (LAP)  
("Rigueiro")

ANTONIO FORGIONE, et al,

*Plaintiffs,*

v.

THE REPUBLIC OF ARGENTINA,

*Defendant.*

06-cv-15171 (LAP)  
("Forgione")

**DECLARATION OF BRENDAN CYR**

I, Brendan Cyr, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am the Managing Attorney for the New York office of the law firm Cleary Gottlieb Steen & Hamilton LLP ("Cleary"), counsel for Defendant Republic of Argentina. I am duly admitted to this Court.

2. I respectfully submit this declaration pursuant to Sections 11 and 23.5 of the Electronic Case Filing Rules & Instructions for the United States District Court for the Southern District of New York, February 1, 2019 Edition.

3. On Friday, October 18, 2019, starting at approximately 11:00 p.m., I and personnel from Cleary's Managing Attorney's Office acting under my direct supervision attempted to file the Reply Memorandum of Law of the Republic of Argentina in Further Support of its Motion to Dismiss Plaintiffs' Claims and Vacate Plaintiffs' Judgments and the Reply Declaration of Rathna J. Ramamurthi in Further Support of the Republic of Argentina's Motion to Dismiss Plaintiffs' Claims and Vacate Plaintiffs' Judgments, with Exhibits 1 and 2 thereto, in the above-captioned cases through this court's Case Management / Electronic Case Filing ("ECF") system.

4. However, each time we tried to submit the aforesaid documents for filing, instead of receiving a Notice of Electronic Filing confirming a successful filing of the document, we received an error message. True and correct copies of screen shot images of the webpages containing the error messages for each case are attached here as Exhibits A, B, and C.

5. We continued to attempt to file the aforesaid documents until approximately 12:30 a.m., October 19, 2019, but continued to receive the same error messages.

6. As confirmed by the time reflected in the system clock at the bottom the screen shots contained in Exhibits A, B, and C, the filings would have been completed at or before 11:59 p.m. on October 18, 2019, but for the technical failure of the ECF system.

7. True and correct copies of the aforesaid documents were served on counsel for plaintiffs in the above-captioned actions by e-mail at 11:48 pm on October 18, 2019. A copy of the service e-mail is attached hereto as Exhibit D.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20, 2019 at New York, New York.

  
BRENDAN CYR

## Exhibit A

CM<sup>ECF</sup>

Civil Criminal Query Reports Utilities Search Help Log Out


Replies, Opposition and Supporting Documents

1:04-cv-02710-LAP Colella et al v. The Republic of Argentina CASE CLOSED on 05/31/2006

CLOSED,RELATED

An Internal Error has occurred the error code is 48.  
error:  
An Internal Error has occurred the error code is 48.

https://ecf.nysd.uscourts.gov/cgi-bin/query.pl 95%

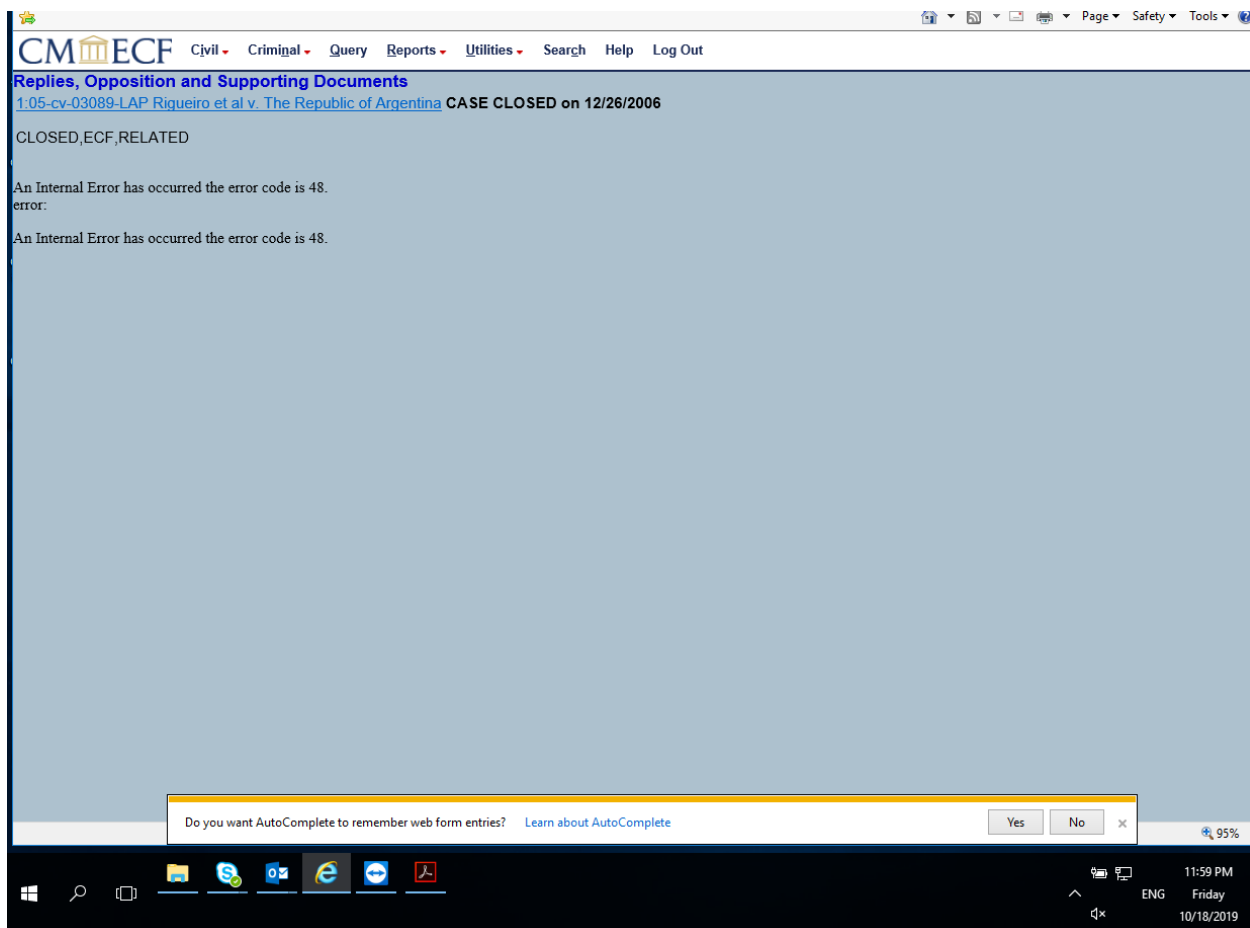


11:39 PM

ENG Friday

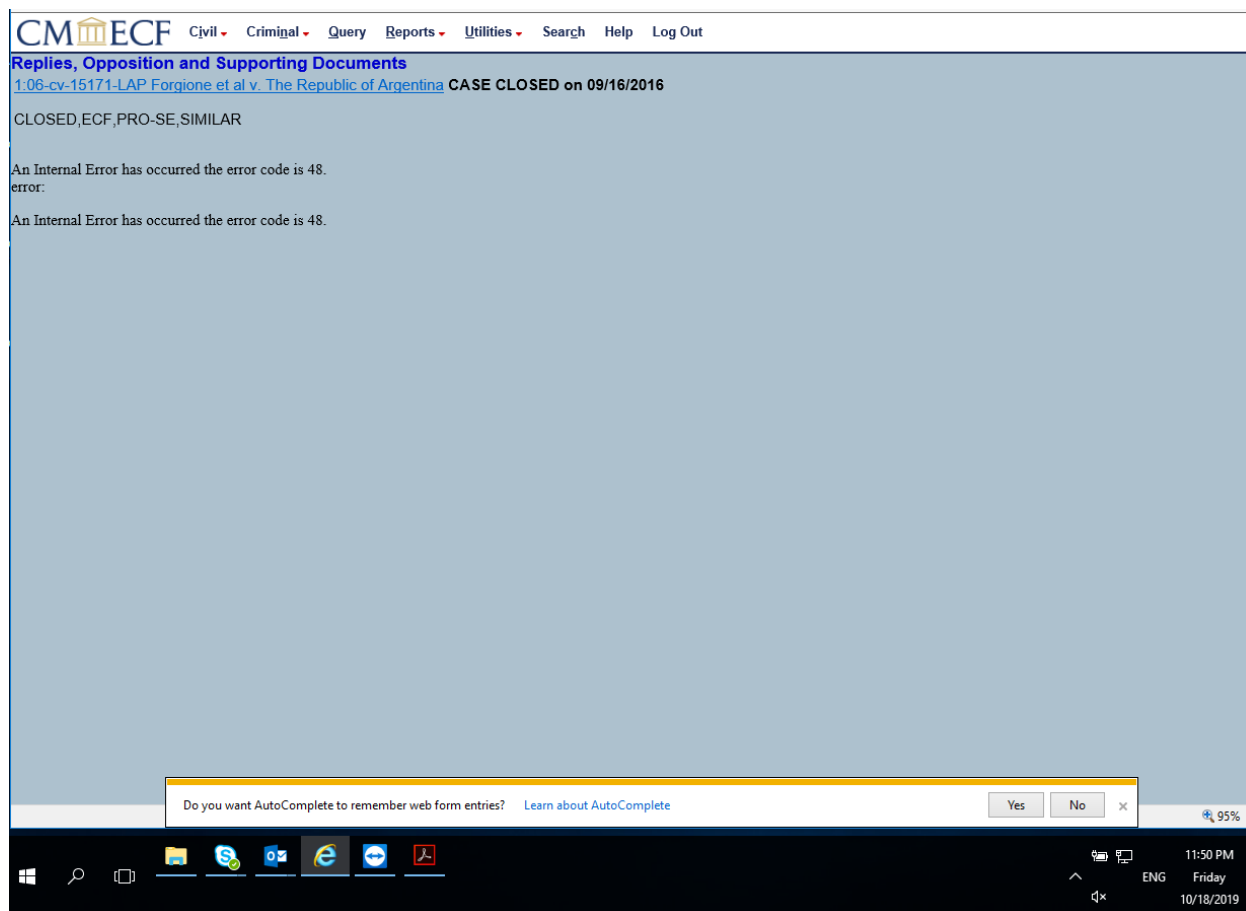
10/18/2019

## Exhibit B



## Exhibit C





## Exhibit D

**From:** [Ramamurthi, Rathna](#)  
**To:** ["Spencer, Michael"](#)  
**Cc:** [Boccuzzi Jr., Carmine D.](#); [Sanchez Herrera, Ezequiel](#)  
**Subject:** 04-cv-2710; 05-cv-3089; 06-cv-15171  
**Date:** Friday, October 18, 2019 11:48:22 PM  
**Attachments:** [Reply Mem. of Law.pdf](#)  
[Declaration.pdf](#)  
[Ex. 1.pdf](#)  
[Ex. 2.pdf](#)

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Counsel,

Please see attached. We have been trying to file on ECF but are receiving error messages that are not allowing the filing to go through.

Kind regards,  
Rathna

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**Rathna Ramamurthi**

Cleary Gottlieb Steen & Hamilton LLP

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Pronouns: she/her/hers